IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR.JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WA.No. 306 of 2005

AGAINST THE JUDGEMENT/ORDER IN OP.18633/1999 Dated 15/11/2004

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APPELLANT: PETITIONER:

K.A.JOSEPH,
B.NO.987, HINDUSTAN INSECTICIDES LTD.,
UDYOGAMANDAL.

BY ADV. SRI.M.C.SEN (SR.)
SRI.M.P.SREEKRISHNAN
SMT.SHAHNA KARTHIKEYAN

RESPONDENTS: RESPONDENTS:

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1. MANAGING DIRECTOR OF HINDUSTAN
INSECTICIDES LTD., REPRESENTING THE COMPANY,
2ND FLOOR, SCOPE COMPLEX, 7 LOARD ROAD,
NEW DELHI-110 003.

2. CHIEF GENERAL MANAGER,
HINDUSTAN INSECTICIDES LTD.,UDYOGAMANDAL-683 501.

BY SRI.E.K.NANDAKUMAR.E.K.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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W.A.No.306 OF 2005

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Dated this the 5th day of September, 2007

JUDGMENT

Radhakrishnan, J

This review petition was preferred by the appellant herein seeking a writ of certiorari to quash Ext.P11 order and also for a writ of mandamus directing the respondent to promote the petitioner as Shift Production Supervisor with effect from 1.4.95. Petitioner joined service in the company in the year 1971. He was promoted as 3rd Grade Operator in the Production department in the year 1980. In the year 1982 he was further promoted as 2nd Grade Operator and in the year 1990 he was promoted as 1st Grade Operator. According to the petitioner, as per Ext.P6 he was entitled to be promoted to the post of Shift Production Supervisor with effect from 1.4.95 on the date on which a vacancy arose in the post of Shift Production Supervisor.

2. The management took up the stand that petitioner could be promoted to the post of Shift Operator Supervisor

only after completing three years of service in the post of Leadsman (Operator). As per Exts.R2(a) and R2(b) order passed by the General Manager, employee working in the scale of pay of Rs.1380-2194 shall only be promoted in the next higher pay scale of Rs.1520-2686 against the post of 1st line supervisor and given the designation attached to the pay scale of Rs.1520-2686. Admittedly, petitioner had not completed 3 years of service as Leadsman (Operator) when the vacancy arose. After completing three years of service as Leadsman (Operator), he was promoted to the post of Shift Production Supervisor vide Ext.P9 order dated 2.3.99 from 24.1.99. Counsel appearing for the management submits that Ext.R2 is not applicable to the Udyogamandal unit and R2(b) is being uniformly applied in the case of Udyogamandal unit. No materials are produced to show that the management had ever violated Ext.R2(b) direction so far as the Udyogamandal unit is concerned. Four posts of Leadsman (Operators) were created to provide for promotion to Non-Matric Grade Operators. Non-Matric employees are not entitled to get

promotion to the post of Shift production Supervisors. Petitioner being Matriculate, on completion of three years he was promoted to the post of Shift Production Supervisor vide Ext.P7 order. There is no illegality in the decision of the management.

In the circumstances, we find there is no merit in the writ appeal. Hence it is dismissed.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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